



City of Seattle

Gregory J. Nickels, Mayor

Seattle Human Rights Commission

Lubna Mahadeen, Chair

October 3, 2008

Seattle City Council
600 Fourth Avenue
PO Box 34025
Seattle, WA 98124-4025

Re: Sidewalk Café legislation

Dear Seattle City Council Members:

At last Thursday's meeting of the City of Seattle Human Rights Commission (SHRC), a major topic of discussion was the Sidewalk Café Revision Ordinance being voted on by the full Council on Monday, October 6. The assembled Commission received an excellent briefing about the pending ordinance from Mr. Mark Troxel of DPD.

Many issues were raised during our discussion, but for the most part the Commission is in agreement with the proposed ordinance. We look forward to being involved in the development of departmental rules to make sure that the protections we favor are implemented.

One part of the ordinance, however, was of significant concern, and led to the Commission's voting to send a letter to the Council, asking you to reconsider the portion of the ordinance where the approval of sidewalk cafes would be mandatory and without public comment or review. The SHRC would like the legislation to include a requirement for a notice to be posted on the property seeking a permit that would include appropriate contact information for individuals who oppose the proposed permit and wish to file objections.

The Commission feels that if the City decides to issue a permit despite objections, community members should have the option to appeal and have the decision reexamined by someone in an appellate role. Unless the ordinance spells out these provisions, we are concerned that the public may be surrendering part of its right of way without proper safeguards to insure that citizens' comments can be heard.

Public notice and participation is the linchpin of good governance. We feel that Seattle citizens should not be subjected to ADA accessibility, crowding, and possible noise problems before their comments can be heard. We hope that the Council will reconsider this portion of the ordinance and include a requirement for public notice and review.

Sincerely,

Lubna M. Mahadeen
Chairperson

Seattle Human Rights Commission